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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,952	06/24/2003	Brandon R. Bray	MSFT-1650/302481.1	1053

41505 7590 08/17/2006

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EXAMINER
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ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,952	BRAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles E. Anya	2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-35 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 8,9,19,20,30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**The following terms lack antecedent basis:**

- a. "the handler" on line 1 of claims 8 and 9, and line 2 of claims 19,20,30 and 31.

For the purpose of this office action the Examiner would change "the handler" to "the exception handler".

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 12-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 is the claimed invention must produce a “***tangible result***”.

Currently, results stored in a computer readable medium as defined in the Specification are tangible. Unless the Specification supports an embodiment where the computer readable medium is define as a “***wave***” (such as a carrier wave). In the event, the Specification defines a computer readable medium can be a “wave”, the Applicant should delete the embodiment or indicate the claimed invention is not claiming the embodiment of the “wave”. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1,2,4,7-13,15,18-25,29-31,34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 20030018681 A1 to Subramanian et al.**

7. As to claim 1, Subramanian teaches a method of validating and dispatching an event (figures 2/4), comprising: receiving an event (“...receives an exception...” page 2 paragraph 0025); determining an exception handler for the event/determining if the exception handler is valid (“...determines if...” page 2 paragraph 0025, figure 6 Exception Handler Selector 52 page 2 paragraph 0032); and executing the exception handler if the exception handler is valid (“...dispatches...resolves...” page 2 paragraph 0025, page 2 paragraph 0032).

8. As to claim 2, Subramanian teaches the method of claim 1, wherein determining if the exception handler is valid comprises comparing the exception handler to a list of valid exception handlers (“...look up table...” page 2 paragraph 0025, “...select...” page 2 paragraph 0032).

9. As to claim 4, Subramanian teaches the method of claim 1, further comprising retrieving a list of valid exception handlers from a storage device and comparing the exception handler to the list of valid exception handlers in determining if the exception handler is valid (“...look up table...” page 2 paragraph 0025, “...local database...” page 3 paragraph 0038).

10. As to claim 7, Subramanian teaches the method of claim 1, further comprising, if the exception handler is valid, determining whether the exception handler handles the event, and if so, executing the exception handler, and otherwise, retrieving a second exception handler from information on a stack and continuing processing with determining if the second exception handler is valid (figure 4 (Step 44) page 2 paragraph 0029).

11. As to claim 8, Subramanian teaches the method of claim 1, further comprising terminating the method if the handler is invalid (figure 4 "...terminate..." page 2 paragraph 0029, figure 6 "...terminate..." page 2 paragraph 0032).

12. As to claim 9, Subramanian teaches the method of claim 1, further comprising generating an error message if the handler is invalid ("...log the error..." page 3 paragraph 0046).

13. As to claim 10, Subramanian teaches the method of claim 1, further comprising, if the exception handler is valid, verifying other data for the event (page 4 paragraph 0049/0050).

14. As to claim 11, Subramanian teaches the method of claim 10, wherein the other data comprises pointer data (page 4 paragraph 0049/0050).

15. As to claim 12,13,15,18-22, see the rejection of claims 1,2,4 and 7-11 respectively.
16. As to claim 23-25, see the rejection of claims 1,2 and 4 respectively.
17. As to claims 29-31, see the rejection of claims 7-9 respectively.
18. As to claims 34 and 35, see the rejection of claims 10 and 11 respectively.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 3,5,14,16,26,27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 20030018681 A1 to Subramanian et al. in view of U.S. Pat. No. 5,628,016 to Kukol.**

21. As to claim 3, Subramanian is silent with reference to the method of claim 2, further comprising one of receiving and generating the list of valid exception handlers.

Kukol teaches the method of claim 2, further comprising one of receiving and generating the list of valid exception handlers (“...establish a handler...” Col. 16 Ln. 15 – 59, “...constructing...” Col. 20 Ln. 36 – 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kukol and Subramanian because the teaching of Kukol would improve the system of Subramanian by providing a uniquely efficient, portable and flexible implementation of exception handling (Kukol Col. 16 Ln. 15 – 23).

22. As to claim 5, Kukol teaches the method of claim 1, further comprising generating a list of valid exception handlers by compiling code into at least one of an object file and an image (figure 1C Col. 8 Ln. 62 – 67, Col. 9 Ln. 1 – 16).

23. As to claim 14, see the rejection of claim 3 above.

24. As to claims 16 and 26, see the rejection of claim 5 above.

25. As to claim 27, Subramanian teaches the system of claim 26, further comprising a storage device that store the list of valid exception handlers (“...look up table...” page 2 paragraph 0025, “...local database...” page 3 paragraph 0038).



26. As to claim 32, Kukol teaches the system of claim 23, further comprising a linker that creates an image based on at least one object file received from at least one of a compiler and an assembler, and provides the image to the exception dispatcher system (figure 1C Col. 8 Ln. 62 – 67, Col. 9 Ln. 1 – 16).

**27. Claims 6,17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 20030018681 A1 to Subramanian et al. in view of U.S. Pub. No. 20020169999 A1 to Bhansali et al.**

28. As to claim 6, Subramanian is silent with reference to the method of claim 1, further comprising compiling code to produce an executable that is marked with an identifier indicating that the executable is safe with respect to a list of valid exception handlers.

Bhansali teaches the method of claim 1, further comprising compiling code to produce an executable that is marked with an identifier indicating that the executable is safe with respect to a list of valid exception handlers (figure 14 Handler Designation 1408 page 12 paragraphs 0163/0164).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bhansali and Subramanian because the teaching of Bhansali would improve the system of Subramanian by providing a

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process for identifying an appropriate exception handler for handling an exception (page 12 paragraph 0163).

29. As to claims 17 and 28, see the rejection of claim 6 above.

**30. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 20030018681 A1 to Subramanian et al. in view of U.S. Pat. No. 5,628,016 to Kukol as applied to claim 32 above, and further in view of U.S. Pub. No. 20020169999 A1 to Bhansali et al.**

31. As to claim 33, Subramanian is silent with reference to the system of claim 32, wherein the linker produces an executable that is marked with an identifier indicating that the executable is safe with respect to a list of valid exception handlers.

Bhansali teaches the system of claim 32, wherein the linker produces an executable that is marked with an identifier indicating that the executable is safe with respect to a list of valid exception handlers (figure 14 Handler Designation 1408 page 12 paragraphs 0163/0164).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bhansali, Kukol and Subramanian because the teaching of Bhansali would improve the system of Kukol and Subramanian by providing a process for identifying an appropriate exception handler for handling an exception (page 12 paragraph 0163).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.

  
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